

This rule requires that if the Plaintiff has any evidence to offer to counter the evidence contained in the Motion for Summary Judgment and supporting documents filed by the Defendant, he must present it to the Court in the form of documents, affidavits, or unsworn

declarations under penalty of perjury. An affidavit is a written statement made under oath; that is, a statement prepared in writing by the Plaintiff and sworn before a Notary Public. Plaintiff may not allege new facts surrounding the events in question as part of your reply. Plaintiff should base his reply and argument(s) solely on the matters set forth in the original Complaint and/or those set forth in the Defendant's Motion. If the Plaintiff chooses, he may instead submit an unsworn declaration and state the following with the date and his signature:

"I declare under penalty of perjury that the foregoing is true and correct."

**PLAINTIFF SMITH READ THIS:**

The Plaintiff is further hereby advised that he has thirty (30) days from the filing of this Order in which to file documents, affidavits, or unsworn declarations in opposition to the Defendant's Motion for Summary Judgment. **FAILURE TO RESPOND WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO SUMMARY JUDGMENT.**

**THEREFORE, IT IS HEREBY ORDERED** that the Plaintiff has thirty(30) days from the filing of this Order in which to provide his own documents, affidavits, or declarations countering the evidence offered by the Defendant's Motion for Summary Judgment.

**SO ORDERED.**

Signed: March 13, 2009



Graham C. Mullen  
United States District Judge

